

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA,)
)
)
Plaintiff,)
)
)
v.)
) No. 3:21-CR-19-TAV-DCP
ADDISON MOYA and ERICA EDWARDS,)
)
)
Defendants.)

MEMORANDUM AND ORDER

All pretrial motions in this case have been referred to the undersigned pursuant to 28 U.S.C. § 636(b) for disposition or report and recommendation regarding disposition by the District Court as may be appropriate. This case is before the Court on Defendant Moya's Motion to Continue Trial and to Extend Deadlines [Doc. 103], filed on March 23, 2022.

Defendant Moya asks the Court to continue the April 12, 2022, trial date and to extend the deadlines because Defendant Moya's counsel has been engaging in plea negotiations with the Government and believes that a plea agreement is imminent. The motion also indicates there have been significant issues with mail being sent and received by Defendant Moya in the Laurel County Kentucky Correctional Facility, which has impeded Defendant Moya's review of proposed plea agreements. The motion relates that the right to a speedy trial has previously been explained to Defendant Moya, and Defendant Moya understands the need for a continuance. The motion further relates that the Government does not oppose the requested continuance. Defendant Edwards's counsel has communicated with chambers and stated she does not oppose the requested continuance because she has a plea agreement in another case, which includes a provision that she

will be dismissed from the instant case at the April 6, 2022 sentencing hearing.¹ The parties have conferred with Chambers and agreed on a new trial date of July 12, 2022.

The Court finds Defendant Moya's Motion to Continue Trial and to Extend Deadlines [Doc. 103] is unopposed by the Government and well-taken. The Court also finds that the ends of justice served by granting a continuance outweigh the interest of Defendants and the public in a speedy trial. 18 U.S.C. § 3161(h)(7)(A). Based upon the representations in the motion, defense counsel needs additional time to engage in plea negotiations with the Government, and if those negotiations prove unfruitful, defense counsel will need additional time to prepare this matter for trial. Thus, the Court concludes that without a continuance, Defendants would not have the reasonable time necessary to prepare for trial, even proceeding with due diligence. *See* 18 U.S.C. § 3161(h)(7)(B)(iv).

Defendant Moya's Motion to Continue Trial and to Extend Deadlines [Doc. 103] is **GRANTED**. The trial of this case is reset to **July 12, 2022**. The Court finds that all the time between the filing of the motion on March 23, 2022, and the new trial date of July 12, 2022, is fully excludable time under the Speedy Trial Act for the reasons set forth herein. *See* 18 U.S.C. § 3161(h)(7)(A)–(B). The Court also sets a new schedule in this case, which is stated in detail below.

Accordingly, it is **ORDERED** as follows:

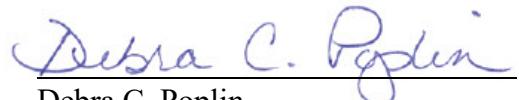
- (1) Defendant Moya's Motion to Continue Trial and to Extend Deadlines [Doc. 103] is **GRANTED**;
- (2) The trial of this matter is reset to commence on **July 12, 2022, at 9:00 a.m.**, before the Honorable Thomas A. Varlan, United States District Judge;

¹ *See* Plea Agreement at 2, *United States of America v. Erica L. Edwards*, No. 3:21-CR-05 (E.D. Tenn. Oct. 18, 2021) (Doc. 251).

- (3) All time between the filing of the motion on **March 23, 2022**, and the new trial date of **July 12, 2022**, is fully excludable time under the Speedy Trial Act for the reasons set forth herein;
- (4) The new deadline for filing a plea agreement in the record and providing reciprocal discovery is **June 13, 2022**;
- (5) The parties are to appear before the undersigned for a final pretrial conference on **June 21, 2022, at 2:00 p.m.**;
- (6) The deadline for filing motions *in limine* is **June 27, 2022**; and
- (7) Requests for special jury instructions with appropriate citations to authority pursuant to Local Rule 7.4. shall be filed on or before **July 1, 2022**.

IT IS SO ORDERED.

ENTER:



Debra C. Poplin
United States Magistrate Judge